

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AVION STINSON,

Plaintiff,

-against-

18-cv-0027 (LAK)

THE CITY OF NEW YORK, et al.,

Defendant(s).
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ORDER

LEWIS A. KAPLAN, *District Judge*.

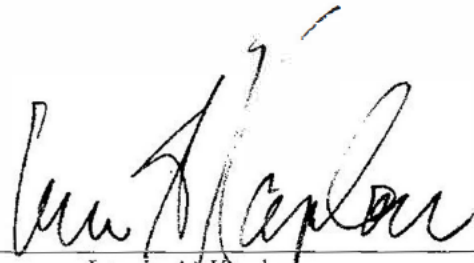
Defendants move for summary judgment dismissing the Second Amended Complaint (the "Cpt"). The motion (Dkt 121) is disposed of as follows, substantially for the reasons stated in the painstaking and thorough Report and Recommendation of Magistrate Judge Barbara Moses to which no objection has been filed:

1. The motion is granted and the Cpt is dismissed in all respects as to defendants The City of New York, Ambrose, Ponte, Murphy and Blake. In addition, the Cpt is dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) as against unserved defendants Black, Cardoza, Debianchi, Hall, Hayne, Kirkland, Lawrence, Monteforte, Saldana, Skepple and Stevenson. As this disposes of all claims against these defendants, there is no just reason for delay and the Clerk shall enter judgment with respect to these defendants pursuant to Fed. R. Civ. P. 54(b).

2. The motion is granted in part and the Cpt is dismissed as against defendants defendants Lopez and Rothwell in all respects except that the motion is denied with respect to the portion of plaintiff's First Claim for damages pursuant to 42 U.S.C. § 1983 for force allegedly used by them on plaintiff in the bathroom of the GMDC clinic.

SO ORDERED.

Dated: July 22, 2021



Lewis A. Kaplan
United States District Judge